

The opinion in support of the decision being entered
today was not written for publication and is
not binding precedent of the Board

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHAN RUDZEWITZ
and FRANK SCHUMANN

Appeal No. 2001-0350
Application 09/243,835

ON BRIEF

Before THOMAS, KRASS and SAADAT, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's
final rejection of claims 2 and 3, the examiner having indicated
the allowability of claims 4-12 and 18 and appellants having
canceled claims 1 and 13 through 17.

Representative claim 2 is reproduced below:

2. A method for in-register pre-positioning a printing
plate in a plate feeding device, wherein the printing plate is
pre-positioned by a positioning device of the plate feeding

device, and then fed to a plate cylinder and clamped into a leading edge clamping device of the plate cylinder, which comprises:

detecting the in-register pre-positioning by sensors and, if appropriate, correcting the pre-positioning, and then transferring the printing plate in-register to the leading edge clamping device of the plate cylinder;

holding the printing plate in the position of the in-register prepositioning, and rotating the plate cylinder backwards so that the printing plate is received in the leading edge clamping device.

The following references are relied on by the examiner:

Sugiyama et al. (Sugiyama)	5,094,165	Mar. 10, 1992
Wieland	5,331,893	July 26, 1994
Lindner et al. (Lindner)	5,479,859	Jan. 2, 1996
Nobuta et al. (Nobuta)	5,715,751	Feb. 10, 1998
	(filing date July 25, 1995)	

Claims 2 and 3 stand rejected under 35 U.S.C. § 103.¹ As evidence of obviousness, the examiner relies upon Wieland in view of Sugiyama, further in view of Nobuta and Lindner.

¹ Although the final rejection indicates a rejection of independent claim 2 and its dependent claim 3 under 35 U.S.C. 103, page 3 of the answer indicates that the examiner only

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

For the reasons set forth by the examiner in the answer as embellished here, we sustain the rejection of claims 2 and 3 under 35 U.S.C. § 103. Appellants' arguments focus only on claim

specifically recites a rejection of claim 2. This appears to be an inadvertent error in not listing the rejection of claim 3 at page 3 of the answer. Notwithstanding the fact that appellants indicate at page 9 of the brief that claim 3 is not argued, its rejection ordinarily must be stated in the answer to the extent it is maintained by the examiner, otherwise it may be construed as not being rejected.

2, since page 9 of the brief indicates that claim 3 is not argued.

At the outset, we note that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).

In contrast to this guidance, appellants' arguments between pages 10 and 12 of the brief consider each of the references individually and not collectively. Appellants' arguments also in effect do not argue that the four references relied upon by the examiner are not properly combinable within 35 U.S.C. § 103. On the other hand, the appellants' arguments only take the position that the features of claim 2 of receiving and holding a printing plate in a pre-registered position and rotating this plate backwards when installing it in the press are not taught in the prior art. With this conclusion we strongly disagree.

Significantly, appellants' arguments at page 10 of the brief recognize that Wieland pre-aligns a printing plate and then feeds it by means of a transport means to the printing cylinder itself.

The examiner's characterization of this reference at pages 3 and 4 of the answer is consistent with out study of that reference.

In a system that places and pre-registers a printing plate on a printing cylinder 12, this pre-registration in Wieland is aided by the vertical arm assembly 28, 29 (the assembly being located to the left of Figure 1). The transparent frame 38 thereof in Figure 4 is positioned in such a manner as to aid in the correct placement of the printing plate itself by means of the suction fork assembly 49 in Figure 5 and shown generally to the right portion of the system in Figure 1. The exact registration upon the printing cylinder is thus guaranteed according to the teachings in the abstract; column 1, lines 25-29; the entire Summary of the Invention and particularly column 2, line 48 through column 3, line 34. The discussion at column 3, lines 21 and 22 indicates a highly accurate registration of the printing plate which is "maintained during the transfer of the printing plate to the forme cylinder." Column 3, lines 22-24. The details of the operation of the noted suction fork

assembly 49 are contained in columns 6-8. The control desk 87 is shown in Figures 1, 7 and 8 which show various computer controls, including those for the various motors, as discussed at the top half of column 5 as to the motor driving the forme cylinder itself as well as the various motors to control the application of the printing plate to the cylinder, the discussion of which involves apparent sensors necessary to adequately do this as discussed at the top and bottom of column 8 and column 10, lines 11 through 20 as well.

Thus, it is apparent that the sense of the subject matter set forth in the first clause of the body of claim 2 on appeal is essentially taught in this reference. The examiner's position at pages 4 and 5 of the answer correctly recognizes that the nature of the actual printing cylinder in Wieland is not the same type as that which is claimed. The particular type of press utilized in Wieland appears to be a so-called flexographic press recognized at the bottom of column 4. In contrast, more traditional sheet fed printing presses are discussed and illustrated in the remaining three references. In contrast to adhesively bonding the printing plate to the printing cylinder in Wieland, Sugiyama, Nobuta and Lindner utilize more traditional

plate lockup mechanisms to affix a printing plate to a printing cylinder. As noted by the examiner, Sugiyama and Nobuta do specifically indicate the importance in the art of minimizing downtime of a printing press in the process of affixing a new plate thereto. The same problem to be overcome is recognized according to the prior art discussion of appellants at pages 1-3 of the specification as filed. Although we agree with appellants' recognition that Sugiyama does not deal with plate alignment registration as set forth at the bottom of page 10 of the brief, Nobuta's teachings appear to focus upon placement of a printing plate in a plate feeding device for proper axial alignment to a print cylinder PC.

On the basis of the teachings and suggestions of Wieland in view of Sugiyama and Nobuta alone, we find that it would have been obvious for the artisan to have applied the teachings of Wieland's pre-registration device to a more traditional clamped-type printing press approach as noted in Sugiyama and Nobuta. The same may be said of applying such teachings to Lindner, a printing press of the type utilizing a traditional plate lockup approach to affixing the printing plate to the print drum itself.

Lindner extends the teachings of the various sensors of Wieland to the need for properly sensing the proper registration of the printing plate 11 onto the plate cylinder 10 by the use of various control units 60's subsystems shown in Figure 1, even though Lindner is silent as to any pre-registration in a plate feeding device.

Although Wieland's various figures appear to show the rotation of the print cylinder 12 in only one direction, the earlier noted discussion of the control desk 87 indicates that the computer therein controls the rotation of the printing plate during the application of the printing plate thereto. This is discussed generally at column 5 and at column 11 to the end of the patent. On the other hand, Nobuta indicates in his various figures the bidirectional rotatability of the printing cylinder PC during preregistered plate feeding operations. As correctly pointed out by the examiner at page 5 of the answer, the plate cylinder 10 in Lindner may be rotated either in a forward or backward direction (paragraph bridging columns 4 and 5) during the process of actually affixing the printing plate 11 to the printing plate cylinder 10. This appears to be explicit in the discussion beginning at column 5, line 45 when a new printing

plate is affixed to the front edge 12 of the cylinder 10. We do not agree with any urging of appellants that patentability of the subject matter of claim 2 may be predicated on the basis of the direction of rotation, forwards or backwards, of the print cylinder during the application of the printing plate thereto.

Since the examiner has provided substantial evidence that it was well known in the art to obtain and pre-register in a correct, pre-aligned position a printing plate before application to the print cylinder, as well as the recognition in the art that the application of the registered printing plate to the print cylinder itself may entail a forward and/or backward rotation of the printing cylinder, the subject matter of independent claim 2 on appeal clearly would have been obvious to the artisan within 35 U.S.C. § 103.

In view of the foregoing, the decision of the examiner rejecting claims 2 and 3 on appeal under 35 U.S.C. § 103 is affirmed.

Appeal No. 2001-0350
Application 09/243,835

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED

James D. Thomas)	
Administrative Patent Judge)	
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Errol A. Krass)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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Appeal No. 2001-0350
Application 09/243,835

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